

Application No. 09/733,640

## IN THE CLAIMS

Please cancel claims 20-33, 35-37 and 40-47, without prejudice to their further prosecution in a divisional and/or continuation application.

✓  
Please amend claims 1 and 34 as follows:

Sub  
C1  
R1  
1. (Twice Amended) A composition for controlled release of a bioactive agent, comprising:

- a biodegradable crystallizable polymer;
  - a biodegradable amorphous polymer;
  - a biocompatible solvent; and
  - a bioactive agent,
- wherein the composition is multi-layered.

R2  
34. (Amended) A method of administering a bioactive agent, comprising:  
inserting a composition for controlled release of a bioactive agent into an organism,

- wherein the composition comprises:
- a biodegradable crystallizable polymer;
  - a biodegradable amorphous polymer;
  - a biocompatible solvent; and
  - a bioactive agent, and
- wherein the inserting is by injecting.

✓  
Please add claims 48-57 as follows:

R3  
48. The method of claim 34, wherein the solvent has a miscibility with water less than 7 percent by weight.

49. The method of claim 34, further comprising at least one biocompatible component solvent.

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50. The method of claim 34, further comprising an emulsifying agent.
51. The method of claim 34, wherein the composition is sterile.
52. The method of claim 34, wherein the biodegradable crystallizable polymer is a polyester.
53. The method of claim 34, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone).
54. The method of claim 34, wherein the biocompatible solvent is ethyl benzoate.
55. The method of claim 34, wherein the biodegradable amorphous polymer is a polyester.
56. The method of claim 34, wherein the biodegradable amorphous polymer is poly(D,L-lactide).
57. The method of claim 56, wherein the biodegradable crystallizable polymer is poly( $\epsilon$ -caprolactone) and the biocompatible solvent is ethyl benzoate.

#### SUPPORT FOR AMENDMENT

Claim 20 has been incorporated into claim 1. Claims 1 and 35 have been incorporated into claim 34. Claims 48-57 are supported by claims 2-8 and 17-19, respectively. Claims 20-33, 35-37 and 40-47 have been cancelled. No new matter has been added. Upon entry of this amendment claims 1-8, 17-19, 34, 38 and 48-57 are present and active in the application.

Attached herewith is a marked-up version of the changes made to the claims by this amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."